

117

City Hall, Lodi, Cal., June 9, 1919.

In regular adjourned session of the Board of Trustees of the City of Lodi held this date there were present Trustees Black, Hale, Crose, Montgomery and Morehead.

Minutes of the previous meeting were read and approved.

The following building permits were granted:
O. A. Schroeder, private garage, 601 West Elm St.
H. W. Walker, poultry house, 225 Lancaster Court.

In response to call for bids of May 24th for furnishing S.G.V. and cement pipe for storm sewers proposals were received from Gladding, McBean & Co., for S.G.V. pipe and W.H. Graham & Co., and E. Spiekerman for cement pipe. After canvassing the bids Trustee Montgomery moved, seconded by Trustee Morehead, that all bids be rejected except those of W. H. Graham & Co., and Ed Spiekerman, for 24" and 12" concrete pipe laid, in such quantities as necessary, and at the prices named in their proposals, one-half the total amount to be awarded to each contractor. The motion was adopted by unanimous vote of the Board.

The following resolution was introduced by Trustee Montgomery:

RESOLUTION NO. 48.

RESOLVED, that on all street work in the City of Lodi, for which contracts are let by this Board of Trustees, that the fee of the City Engineer be, and is hereby fixed at one per cent. (1%) of the respective contract prices.

Upon motion of Trustee Montgomery, seconded by Trustee Crose, the foregoing resolution fixing engineering fees on street work was adopted by unanimous vote of the Board.

RESOLUTION NO. 49.

WHEREAS, a contract has been made by the National Septic Process Protective League and the Cameron Septic Tank Company whereby a full release may be secured from any and all claims of infringement, damages, profits, or otherwise, from the Cameron Company against the City of Lodi, upon the payment of a nominal fee; and

WHEREAS, while the validity of such claims of the Cameron Company are very doubtful and are not now recognized, yet as a business proposition and for the purpose of saving the tax-payers money it is better to pay a nominal fee than to contest the claims; now therefore, be it

RESOLVED, that for the purpose of settling all claims of the Cameron Company the Clerk be instructed to issue a warrant in the sum of FIFTEEN (15) DOLLARS, payable to the National Septic Process Protective League, and that such warrant be at once mailed to the Secretary of such League with instructions to deliver the same to The Cameron Septic Tank Company upon receiving from said Cameron Company a full release, as above mentioned.

The foregoing resolution No. 49 was upon motion of Trustee Hale, seconded by Trustee Montgomery, adopted by the affirmative votes of all members of the Board.

The time for hearing protests in the matter of the proposed improvement of Lodi Avenue having been continued for further hearing at this meeting, the matter was discussed with Attorney A. L. Levinsky for protestants, after which the following resolution was introduced by Trustee Crose:

RESOLUTION OVERRULING PROTEST.

WHEREAS, the Board of Trustees of the City of Lodi, did on the 12th day of May, A.D. 1919, pass its resolution of intention No. 20, to order certain street work to be done and improvements to be made in said city, under and in pursuance of the "Improvement Act of 1911", the names of the streets and highways proposed to be improved and the location and character of said proposed work being described in said Resolution of Intention, which is hereby expressly referred to for further particulars, and

WHEREAS, certain owners of property liable to be assessed for said work made written protest or objections in writing and delivered

the same to the Clerk not later than the hour set for hearing such objection, to-wit,- 8 o'clock P. M. on Monday the 2nd day of June, A.D. 1919, and

WHEREAS, the consideration of said protests and the matter of ordering said proposed work set forth in said Resolution of Intention, were regularly postponed and continued until this 9th day of June, A.D. 1919, at the hour of 8 o'clock P.M. and said matters coming on regularly to be heard, the Board of Trustees proceeded to hear the same, and all of said protests or objections, having been duly heard and considered, and said Board being required to pass upon the same, it is hereby,-

RESOLVED, by the Board of Trustees of the City of Lodi, that a all of the said protests and objections against said proposed work or improvement be, and the same are hereby overruled and denied.

RESOLVED, further, that said Board finds that said protests are made by the owners of less than one-half of the area of the property to be assessed for said improvements.

Trustee Crose moved, seconded by Trustee Morehead, the adoption of the foregoing resolution as read, which motion was abtpted by the following vote:

Ayes: Trustees Crose, Morehead, Montgomery, Hale and Black.

Noes: None.

Absent: None.

RESOLUTION ORDERING THE WORK.

RESOLVED, that whereas the Board of Trustees of the City of Lodi, did on the 12th day of May, A.D. 1919, pass its Resolution of Intention No. 20 to order the hereinafter described work to be done and improvement to be made in said City, which Resolution of Intention was duly and legally published as required by law, as appears from the affidavit of publication in THE LODI SENTINEL, made by C. E. PERCIVAL, now on file in the office of the City Clerk of said City of Lodi; and

WHEREAS, notices of the passage of said Resolution of Intention No. 20, headed "NOTICE OF IMPROVEMENT" were duly and legally posted along the line of said contemplated work and improvement and in front of all the property liable to be assessed therefor, and on each and every street and highway in the assessment district described in said Resolution of Intention, in time, form, manner and number as required by law, after the passage of said Resolution of Intention, as appears from the affidavit of H. B. COLEMAN, who personally posted the same, and who, upon the completion of the posting of said notices, filed said affidavit in the office of said City Clerk, making oath that he completed the posting of said notices on the 20th day of May, A. D. 1919; and

WHEREAS, all protests or objections presented have been disposed of in time, form and manner as required by law, the Board of Trustees having found that said protests were made by the owners of less than one-half of the area of the property to be assessed for said improvements, and said Board having now acquired jurisdiction to order the proposed improvement, it is hereby,-

RESOLVED, that the public interest and convenience require the work herein described and the Board of Trustees of the City of Lodi, hereby order the following work to be done and improvement to be made in said City, to-wit:-

That Lodi Avenue, in said City, from the East line of Hutchins Street to a line 247.5 feet East of and parallel to the West line of Sacramento Street; and from a line 234.5 feet West of and parallel to the East line of Main Street, to the City Limits on the East, being the West line of Cherokee Lane.	(2) By constructing hydraulic concrete curbs and gutters of the combined type along each side of the roadway of said Lodi Avenue.	curbs on each of the intersections of said Lodi Avenue with all streets and avenues intersecting the same and terminating therein.
BE IMPROVED:	(3) By paving the roadway of said Lodi Avenue, between the gutter lines, with a pavement consisting of one and one-half (1½) inches of Warrenite Wearing Surface, laid on an asphaltic concrete base two and one-half (2½) inches in thickness.	EXCEPTING, however, from all of the hereinabove described work such portion as is required by law to be kept in order or repair by any person or company having railroad tracks thereon; and excepting also from all of the hereinabove described work any of said work already done to the official grade.
(1) By grading the roadway and curb and gutter spaces of said Lodi Avenue.	(4) By constructing sidewalk approaches to each of the East and West	

All of said work shall be done in accordance with the plans and specifications heretofore adopted for doing said work and now on file in the office of the City Clerk, and where certain work proposed to be done on the respective streets, avenues and highways aforementioned is described as being between certain lines, it includes the doing of all such work upon the street intersections and terminations between such lines, unless otherwise shown on the plans;

providing, however, that any duplication in such description shall be ignored.

Attention is also called to the Warrenite License Mixture Agreement for California, executed by Warren Brothers Company, March 3, 1919, the owner and holder of the patents and processes covering the said Warrenite pavement, which agreement is on file in the office of the City Clerk, and is hereby expressly referred to for greater certainty.

And, whereas, said contemplated work and improvement, in the opinion of the Board of Trustees, is of more than local or ordinary public benefit, said Board hereby makes the expense of said work or improvement chargeable upon a district, which district said Board hereby declares to be the district benefited by said work and improvement, and to be assessed to pay the cost and expenses thereof; which said district is bounded and described as follows:

Commencing at a point on the east line of Hutchins Street 340 feet north of its intersection with the north line of Lodi Avenue; running thence easterly to a point on the east line of Cherokee Street, 111 feet north of the north line of Lodi Avenue; thence on a line 111 feet north of, and parallel to the north line of Lodi Avenue to a point on the west line of Cherokee Lane; said west line being the City Limits on the east; thence south and along the last named line to a point on the same, 140 feet South of the south line of Lodi Avenue; thence westerly along the north line of the alley running east and west between Hilborn Street and Lodi Avenue to its intersection with the east line of Stockton Avenue; thence southwesterly to the northeast corner of Lot Seven (7), Block "B," according to the official map of the LODI BARNHART TRACT, filed for record November 5th, 1906, at 3:05 P. M. in the office of the County Recorder of the said County of San Joaquin; thence westerly along the north line of said Lot Seven (7) produced to the northeast

corner of Lot Four (4), Block "A," of said LODI BARNHART TRACT; thence westerly along the north line of the last named lot and its westerly production to the northeast corner of Lot Four (4), Larson's Addition to Lodi, as per map thereof, on file in the office of the County Recorder of said County of San Joaquin; thence northwesterly along the north line of the last named lot to its intersection with the east line of South Sacramento Street; thence westerly to the southeast corner of Lot Six (6), Block One (1) of Hutchins Addition to Lodi, as per map of said Addition, on file in the office of the County Recorder, of said County of San Joaquin; thence westerly along the north line of the alley running east and west through the last named block to its intersection with the east line of School Street; thence southwesterly to the northeast corner of Lot Four (4) in Block Four (4), of said Hutchins Addition to Lodi; thence northwesterly along the north line of said lot to its northwest corner; thence southwesterly to the northeast corner

of Lot Twelve (12) in said Block Four (4); thence westerly along the north line of the last named lot to the intersection of its production with the east line of South Church Street; thence westerly to the northeast corner of Lot Four (4), Block Four (4), of Sturla's Addition to Lodi, as per map thereof on file in the office of the City Clerk, of said City of Lodi; continuing thence in the same westerly direction along the north line of Lots Four (4) and Seven (7) to the intersection of its production, with the east line of Hutchins Street; thence north and along said east line of Hutchins Street to the point of beginning.

PROVIDED, nevertheless, that the streets, avenues and alleys situate within said district shall be omitted from any assessment made or levied for paying the costs and expenses of the above mentioned work and improvement, the said streets, avenues and alleys belonging to said city, and being in use for the performance of a public function, to-wit, in use as public streets, avenues and alleys.

And it is further ordered and notice is hereby given that serial bonds to represent unpaid assessments, and bear interest at the rate of seven per cent (7%) per annum, will be issued hereunder in the manner provided by the Improvement Bond Act of 1915, and Acts amendatory thereto, the last installment of which bonds shall mature nine years from the 2nd day of July next succeeding nine months from their date.

This resolution is adopted pursuant to the provisions of those certain Acts of the Legislature of the State of California, designated respectively as the "Improvement Act of 1911", and the "Improvement Bond Act of 1915", and Acts amendatory thereto.

The City Clerk is hereby directed to post a notice of said work, together with the plans and specifications therefor, conspicuously for five days on or near the Council Chamber door, inviting sealed proposals or bids for doing the work ordered. He is also directed to publish three times a notice inviting such proposals, and referring to the specifications posted or on file, in THE LODI SENTINEL, a tri-weekly newspaper published and circulated in said City of Lodi, and hereby designated for that purpose, said paper being the official newspaper of the said City of Lodi.

Upon motion of Trustee Montgomery, seconded by Trustee Morehead, the foregoing Resolution Ordereing the Work was adopted by the following vote:

Ayes: Trustees Montgomery, Morehead, Crose, Hale and Black.

Noes: None.

Absent: None.

Trustee Crose moved, seconded by Trustee Montgomery, that the action of the Superintendent of Public Utilities in raising the wages of laborers on the ditch for storm sewers to \$3.50 per day be ratified and approved. The motion was adopted by unanimous vote of the Board.

Miscellaneous bills amounting to \$3460.88, having been audited by the finance committee were allowed and ordered paid.

RESOLUTION OF INTENTION NO. 23

RESOLVED, By the Board of Trustees of the City of Lodi:

That it is the intention of said Board to modify, change, establish and re-establish the grades, of certain streets and avenues in said city, in the manner following, to-wit: To change, modify, establish and re-establish official grades on the following streets, viz:

On School Street from the South line of Oak Street to the City Limits on the South.

So that such grades and the elevations in feet and fractions of feet above city base of levels at the points hereinafter mentioned, shall be as follows:

At the respective points of intersection of the Eastern and Western lines of School Street, as hereinafter fixed and specified, with the hereinafter mentioned lines of intersecting streets, the curb grade and elevation shall be as follows:

With the South line of Oak Street, Curb 47.20.

With the North line of Walnut Street, Curb 47.52.

With the South line of Walnut Street, Curb 47.52.

With the North line of Lodi Avenue, Curb 46.35.

With the South line of Lodi Avenue, Curb 46.85.

With the North line of Chestnut Street, Curb 47.13.

With the South line of Chestnut Street, Curb 47.13.

With the North line of Spruce Street, Curb 44.70.

With the South line of Spruce Street, Curb 44.70.

With the City Limits line on the South, Curb 45.33.

The grade and elevation of the gutter adjacent to the curb at the several and respective points above mentioned shall be eight-twelfths (8-12) of one foot below the curb grade and elevation severally and respectively specified as above.

The figures above shown are elevations in feet and fractions of feet and such elevations and the grades herein referred to have reference to the height above the "base of levels or elevations" for the City of Lodi, which base is a level plane set below the center line of a certain aluminum tablet placed in the West wall of the Van Burskirk Building, near its Northwest corner, which building is situated at the Southeast corner of Pine and

School Streets in said City of Lodi, and which tablet is marked "U. S. Geological Survey B. M." and which "base of levels or elevations" was established and determined, and is further defined, in and by Sec. 5 of Ordinance No. 67 of said City of Lodi.

The grade of the respective curbs and gutters on each side of said School Street, shall be uniform between consecutive points at which elevations are, or are to be fixed, as above mentioned.

Where a street or avenue upon which a gutter grade has been herein fixed, intersects with another street or avenue, any gutter leading from one such street or avenue into the other street or avenue shall lie on a uniform grade running from the nearest point in the street or avenue at which an elevation is herein fixed for such gutter to the nearest point on the other street or avenue at which an elevation has been heretofore fixed for the gutter joining same.

Curb grades have reference to the elevations of the top of curb at its outer line, assuming the curb to have sharp corners.

Gutter grades have reference to the lowest flow line of the water way in the gutter.

Curb lines are hereby fixed and established as hereinafter set forth, and the elevations and grades above specified have reference to the elevations and grade of curbs upon the lines so fixed.

On School Street from the South line of Oak Street to the City Limits on the South, curb lines are hereby fixed, and shall be distant respectively, fifteen (15) feet from the Easterly and Westerly division lines between said street and the blocks or lots abutting respectively thereon.

Upon street crossings and opposite the terminations of intersecting streets, the intersecting curbs at street corners shall be prolonged and be connected on a curve having a radius of eight (8) feet, with radial center lying between the curb line and such division lines, and such prolongation and curb shall constitute the curb return.

Where a curb line herein is established at a certain distance from a division line between a street and the lots and blocks abutting thereon, such distance is to be taken on the side of such division line towards the center of the street.

A curb return is hereby defined to be that portion of a curb which extends around a street corner and connects the curb on one street with the nearest adjacent curb in an intersecting street. Where an elevation is established as above at the intersection

of the curb line with a street line, being one end of such a curb return such elevation shall be the elevation for the other end of the curb return at the intersection of the side line of the street with the curb line of the intersecting street, and such elevation shall also prevail throughout the curb return.

Gutters shall be adjacent to and on the roadway side of the curb, excepting across alleys, where they will be produced across the alleys.

Grades and elevations shall be changed from any other or different official grade or elevation now existing to the new and official grade fixed, modified, established and re-established, as in and by this Resolution set forth and specified.

All of the herein proposed work and changes of grade shall be done in pursuance of an Act of the Legislature of the State of California, entitled "An Act to Provide for Changing or Modifying the Grade of Public Streets, Lanes, Alleys, Courts, or other places within Municipalities," approved April 21, 1909.

"The Lodi Sentinel," a tri-weekly newspaper published and circulated in said city, is hereby designated as the newspaper in which this Resolution of Intention and the Street Superintendent's notice of the passage thereof shall be published.

The City Clerk of said City is hereby directed to publish this Resolution by four successive insertions in said newspaper, and to post the same for two days consecutively on or near the Council Chamber door of this Board.

The Superintendent of Streets of said City is hereby ordered and directed thereupon to cause to be conspicuously posted in the manner and form required by said law, notice of the passage of this Resolution, and to cause a notice similar in substance to be published by six insertions in said newspaper in the manner required by law.

I hereby certify that the foregoing Resolution was adopted by the Board of Trustees of the City of Lodi, at a regular adjourned meeting of said Board, duly held on the 9th day of June, A. D. 1919, by the following vote:

Ayes—Trustees Hale, Crose, Montgomery, Morehead and Black.

Noes—None.

Absent—None.

Attest:

H. S. CLARK,

City Clerk of the City of Lodi.
Approved this 9th day of June, A. D. 1919.

C. A. BLACK,
President of the Board of Trustees of the City of Lodi. 6-19

Trustee Crose moved, seconded by Trustee Hale, the adoption of the foregoing Resolution No. 23 as read, which motion was carried by the vote as above printed.

No further business appearing the Board adjourned.

Attest:

H. S. Clark
City Clerk.